

CHIROPRACTIC HISTORY



**The ARCHIVES and JOURNAL of the
ASSOCIATION for the HISTORY of CHIROPRACTIC**

*The Holy
Spine:*

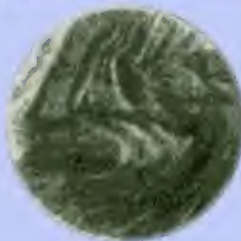
*Tracking the
Intervertebral
Foramina*

*Pioneers
in Spinal
Anatomy*

1913-1914



*Harold Swanberg and Oakley Smith
(right) were first to write and
research the IVF (below). Smith's
college (above circa 1910) was
among first research laboratories.*



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C.D. Greenall, D.C. and the 1907 California Medical Practice Act

BRIAN A. SMITH, D.C.*

The development of the legal status of the chiropractic profession often resulted from continual persecution by the medical authorities who held almost exclusive power to license health care providers. While the medical boards may seem to offer an "olive branch" in the legislative wars over licensure in the form of drugless practitioner licenses, naturopathic endorsements, or licenses under the "all other" category, their goal was to contain and eliminate all rival professions. A previous article dealt with the prosecution of C.D. Greenall, D.C., at the hands of the medical board. Since writing that article, I have had the opportunity to read *The Chiropractor* and to develop more fully an understanding of Dr. Greenall and his actions. Not all prosecutions of chiropractic doctors were instigated by the medical profession; some were insisted upon by other chiropractic doctors. Dr. Greenall and his legal counsel were just such a team. With a goal of having California's 1907 Medical Practice Act declared unconstitutional, Dr. Greenall presented himself for prosecution. This article more fully details Dr. Greenall and his attempts to gain some form of recognition for the chiropractic profession.

In May 1907, a new Medical Practice Act (MPA) that had been adopted by the California Legislature went into effect. The previous MPA of 1901 had established a Board of Medical Examiners (BME) composed of nine members: five from the Medical Society of the State of California; two from the California State Homeopathic Medical Society; and two from the Eclectic Medical Society of the State of California while a separate Homeopathic Practice Act regulated osteopaths. The Medical Society of California, forerunner of the California Medical Association, successfully lobbied the Legislature to combine the two boards after the Board of Homeopathic Examiners was found unconstitutional in 1906. The new BME was charged with issuing three licenses: first, a certificate authorizing the holder to practice medicine and surgery; second, a certificate authorizing the holder to practice osteopathy; and third, a certificate authorizing the holder to practice any other system of treating the sick or afflicted not elsewhere mentioned (1). *The Chiropractor* initially reported the adoption of the new MPA as a success for the chiropractic profession (2).

As detailed in a previous article, within one month, a Los Angeles area chiropractic doctor was charged with practicing medicine without a license (3). Since writing

that article, I have attained access to volumes one through five of *The Chiropractor* which helped to shed a much brighter light on Dr. C.D. Greenall. This article details the correspondence between Dr. Greenall, his lawyer Philaletha Michelson and *The Chiropractor*.

The local (LA) chiropractors were disheartened with the passage of the 1908 (Ed: 1907) bill as they had several arrests and trials and had faced total defeat each time. To leave the state seemed inevitable to the majority. Dr. C.D. Greenall however, had a far more practical view of the situation. Considerable persuasion induced a chiropractor to meet them. We discussed the new statute, compared it with the old, turned on the constitutional x-ray and pronounced it hopelessly defective. The result being Dr. Greenall volunteered to become the defendant in the test case and I was retained as counsel. Then went to the special counsel for the medical board, who by the way, for several years had defended the chiropractors as well as having been one of the members of the faculty of the College of Laws of which I am graduate. I informed Attorney Bennett that I was counsel for the chiro-



Philaletha Michelson from The Chiropractor, August and September, 1908 Vol. 4 (7 & 8): 65.

practitioners and wished a warrant issued as we wished not to violate the law but to test it. He looked surprised and amused and answered, "I have only the best of feelings for them; you know I used to be their attorney. Besides I am busy with the medical quacks. I insisted on the warrant and at last he agreed to issue it for me ... (4).

Grant R. Bennett, the "special counsel for the medical board," had unsuccessfully defended another Los Angeles chiropractic doctor, Thomas H. Storey, in 1905.

Ms. Michelson contacted both the Palmer School of Chiropractic (PSC) and the Universal Chiropractic Association (UCA), of which C.D. Greenall was a member (5). She had mapped out a strategy with the goal of overturning the MPA. In her opinion, the medical fraternity had constructed the MPA to prevent licensing of anyone except physicians and surgeons and osteopaths by requiring students to graduate from a school or college

...the requirements of which shall have been at the time of printing of such a diploma in no particular less than that prescribed by the Association of American Medical Colleges for that year. ... What guarantee does the public have that graduates of "all other" schools are more than quacks as there are only physician & surgeons and osteopaths represented? Where is the protection of the "dear public" against incompetent practitioners of the "mallet cure" when we bear in mind that the only subject used by Chiropractors in the present state board is anatomy?

As it is, no applicants except Physician, Surgeons and osteopaths can secure certificates. All others are rejected because there are no other schools whose standard is in any way similar to that of the standards of the Association of American Medical Colleges. Thereby, they seek to destroy by indirect means, a right which they are unable to confiscate by direct attack. The statute is an ingenious invasion of vested rights ... (6).

Responding to some letters that appeared in *The Chiropractor*, Ms. Michelson continues

Dr. C.D. Greenall voluntarily became the defendant in the case at bar and to him will belong the first honor of facing a trial in which the issue is forced upon the state medical board in as much as we demanded arrest and we were determined to test the law. We started out to win, and let me add, to win means to lose in the lower court and triumph in the State Supreme court as the decision of a justice's court simply means we meet again tomorrow. "I humiliate you again by arresting you as a quack causing the general public to regard you as a violator of the law, as a pretender, and whatnot." And last, but not least, your attorney sends you a modest little reminder that you have something to be thankful to him for also....

As for letters from the medical board

pertaining to the rights of chiropractors, I have one written by its secretary, Dr. Tisdale, in which he wrote "Chiropractors are eligible to present themselves for examination but the examination is the same for all applicants regardless of practice." That is what the applicant is told before he appears for examination, but when his diploma and credentials are returned to him, as was the case with three in California, they were coldly informed that their college was not a reputable institution, (and) is not meeting the standard of the American Medical Association (7).

Now, the stage was set for testing the constitutionality of the MPA.

On June 18th, 1908 (Ed: 1907) two detectives visited Dr. Greenall and were treated according to the Palmer method. On the 20th a warrant was served, on the 21st we appeared in court for arraignment (8).

As reported in my earlier article, Philaletha filed both a demurrer and a motion to dismiss; however, this was a mere formality, deliberately executed to be ineffective:

Attorney Bennett was puzzled and vexed and the Judge made no attempt to veil his amusement. The Judge called me into his private chambers before leaving and asked why did you not go into detail and cite authority, "I would have ruled in your favor as you ought to have had the decision." I informed him I sought an adverse ruling as I was intent upon the Supreme Court and he laughingly responded "I thought so" (9).

On 8 July 1907, C.D. entered a plea of not guilty and waived his right to a jury trial. At the court trial, Grant R. Bennett presented the two detectives as witnesses who testified that C.D. did treat them. Philaletha did not cross examine them. Bennett then called Thomas H. Storey, D.C., to the stand as an expert. He gave "a very brief statement of what Chiropractic is." The State rested its case, and the defense waived the right to present evidence (10).

On 19 July, C.D. was sentenced as follows:

Whereupon it is ordered and adjudged by the court this 19th, Day of July 1907 that for said offense, a misdemeanor, said C.D. Greenall to be fined in the sum [sic] of One Hundred Dollars (\$100.00), and that in default of the payment of said fine on or before 5 o'clock P.M. on the 19th, day of July 1907 said C.D. Greenall to be imprisoned in the County Jail of Los Angeles County in the proportion of One Dollar (\$1.00) imprisonment for each and every dollar of said fine until said fine be wholly satisfied not to exceed one hundred days ... (11).

The next requisite step of the case was to file with the Los Angeles County Superior Court:

On August 17th we appeared in Department 1 of the Superior Court and our appeal was heard by Judge N.B. Smith who, two years previous, had threatened to fine for contempt when Mr. Bennett had insisted upon arguing his case upon the same subject. ... On November 9th, Judge Smith docketed his opinion. I surrendered Dr. Greenall to the custody of the Sheriff and at once sought a writ of habeas corpus which was granted and made returnable on the 11th. As I analyzed his opinion and when I had it in shreds he smiled and said "You may be right, probably are, but it is a question of too much moment for a court of nisi prius to decide. Take it to the Supreme Court and let them settle the question." I at once sought a writ in a district court of appeal and on the 13th it was refused (12).

Philaletha had good reason to be hopeful. She had received the desired adverse decisions in the lower courts in short order:

...my object being to reach the Supreme Court before any prejudice could have been created by practitioners of the old school and I was successful. For out of 44 cases in this State, mine was the first

to reach the highest tribunal in California (13).

Having achieved her goal, Philaletha headed to San Francisco to file an appeal with the California Supreme Court.

Precedent is more binding than statute, hence the necessity of having one's rights adjudicated in the court of last resort. A justice's court victory is simply a palliative, while a Supreme court decision becomes law, binding to all courts of the State. ... At our trial we had nothing but the Palmer School system in evidence, we placed the definition of the system on the statute books and will never surrender our rights to the avaricious political clique of the medical fraternity. We expect to win, but should we lose we will again throw the challenge into their midst and stop only when victory crowns our efforts (14).

After the District Court refused her request for a writ, she went into action:

Two hours later I was on my way to San Francisco to petition the Supreme Court for the issuance of the writ. Purchasing the railroad ticket, the clerk said "Insurance miss?" and I said "No." "But it's Friday the 13th, miss." And with Tom Lawson's Friday the 13th in mind I determined that the medical board and not I would need insurance. I arrived too late to go to court on the 14th so I spent two days trying to forget that my friend was in the county jail in Los Angeles.

Submitted petition before Chief Justice Beatty, went to court every day to the 20th and the "thought of county jail made me more and more determined. At last I was met with a bailiff with a tell-tale smile." The Judge says he'll have an opinion by the 26th and he issued an order admitting Dr. Greenall to bail. Wired: "Writ granted. Admitted to bail." ... when I left for San Francisco, Mr. Bennett assured me that it would take Judge Beatty half an hour to "wipe you

off the earth" as it had only taken an hour and a half to do so in the Storey case several years previous when Mr. Bennett sought the same relief."

10:00 AM, 26th: Judge Beatty asked for Returns, bailiff answered "None Made" "I saw the trick clearly." Court adjourned to 2:00 PM. Called LA Sheriff, informed that return made on 22nd. "At the afternoon session Dr. Greenall, Mr. Bennett, and a reporter from the Examiner and a photographer and I were in an adjoining room and Mr. Bennett, realizing the seriousness of the situation, forgetful of all propriety, begged me not to force the issue but to submit the issue on brief." Beatty ordered case to be submitted on brief as he had no jurisdiction without the Returns. "Upon inquiry with the Los Angeles Sheriff and District Attorney, I discovered that the writ had been sent to the Attorney General of the State and pigeon-holed in his office until January 1st, simply because William Tait (Ed: counsel for BME) feared the result of a personal presentation of the case (15).

The BME, the California Attorney General, the Los Angeles County Sheriff, the Los Angeles County District Attorney and the Los Angeles County Medical Association were all parties to this attempt to obstruct justice, though it appears the BME had the most to lose, namely their new MPA. Philaletha filed on 16 December 1907 for a writ of habeas corpus in the California Supreme Court. Having been in constant communication with the Palmer School of Chiropractic (PSC), the editor of *The Chiropractor* offered the following:

We note that Dr. C.D. Greenall, of Los Angeles, who styles himself a "chiropractic," has carried his case to the Supreme Court. The PSC wishes the principles of liberty to practice what he wishes and the people to have what they wish, a victory. We hope that they win their case, not that we sanction his case or the practitioner, but the principle involved (16).

By April 1908, the PSC held no reservation of its support; PSC wrote that Philaletha:

...is the able attorney defending Dr. Greenall. The editor has corresponded much with the party and can personally sanction every move she has made in this trial as being honorable, purely scientific and upholding the specific pure, unadulterated, philosophical Chiropractic. No adjuncts were discussed or allowed to be included, thanks to the foresight and wisdom of this justice dispenser.

C.D. Greenall had spent a total of "13 days in the County jail all to preserve the rights and dignity of Chiropractic" (17).

As reported earlier, the California Supreme Court overturned the lower court's ruling on 25 June 1908 on a technicality. It held that the complaint as stated did not constitute an offense. That complaint stated that Dr. Greenall had treated a person, not that he was practicing medicine. When Philaletha presented her brief to the Court, Judge Beatty asked the particulars and was told that her client was arrested for practicing chiropractic, which was a charge unknown to the justice. As Dr. Greenall was exonerated by the Court's interpretation of the construction of the complaint, the judge did not feel the need to address the second portion of the appeal. That portion questioned the constitutionality of the MPA as it established the Association of American Medical Colleges as the standard by which all schools of healing would be measured. That the Supreme Court did not address this issue allowed for the continued prosecution of members of the chiropractic profession.

Philaletha immediately wired Dr. B.J. Palmer:

Los Angeles, Cal. June 25, '08
To: B.J. Palmer, 828 Brady St.,
Davenport, Iowa

Greenall case won. I rejoice for the
sake of Chiropractic.

Philaletha Michelson (18)

Congratulatory letters were immediately sent from the Palmer School of Chiropractic to Dr. Greenall and Philaletha:

Davenport, Iowa July 3, 1908

Dr. C.D. Greenall, Long Beach, Cal.

Dear Dr:-- We, the representatives of the PSC in Davenport, appreciate your self sacrifice in establishing the fact that chiropractic is an honorable and legitimate profession. We, the PSC students, consider it the greatest science and the only means of removing the cause of disease. Feeling as we do, you must see that we earnestly appreciate your sacrifices and reward. We are instructed by our fellow students to express to you our heart felt gratitude and our earnest desire for your future success. With this expression of our feeling of fellowship and brotherhood in the cause, we are, yours very truly,

Geo. B. Hamptom, Adele McLean,
B.E., D.M., Joy M. Loban (19).

On the same date the same representatives of the PSC offered their "heartiest appreciation and most sincere thanks ... in the name of the student body," to Philaletha (20).

Philaletha immediately responded by submitting for publication in *The Chiropractor* the details of the decision (21). The July issue also carried reprints of articles that appeared in the *Los Angeles Daily Times* and the *Los Angeles Herald Examiner*. From the *Times*:

"Victory for Chiropractic - Wins on
technicality in the Supreme Court"

They (the chiropractic profession) assert it is unjust to compel him to pass an examination in subjects that do not enter into his line of work and they demand the State recognize his right to practice chiropractic if he [is] adjudged competent in that particular branch. Members of the regular medical fraternity class chiropractors with quack doctors and assert their methods are dangerous and illogical. A persistent warfare has been waged against followers of that school and several of them have been arrested and sentenced to fine and imprisonment.



C.D. Greenall from *The Chiropractor*, August and September, 1908, Vol. 4 (7 & 8) :65.

Appeals have been taken to higher courts with a view of securing a decision that will either sustain or invalidate the law under which prosecutions proceed...(22).

While the *Herald* reported

"Portia of Los Angeles Bar -- Wins first case carried by her to Supreme Court. Miss Philaletha Michelson gets decision against state medical board from highest tribunal"

Ms. Michelson, a young Los Angeles woman attorney who has been practicing law for only three years yesterday received word from the clerk of the Supreme Court of California that she had won her first case taken to the highest tribunal of the state. ...

But Ms. Michelson, who is an energetic, enthusiastic young barrister with a wealth of light hair, brown eyes and an

intellectual brow, was not done with her fight on the medical law which has stood as a Gibraltar against scores of attacks by prominent attorneys from all parts of the state.

Many schools do not require knowledge of subjects in which the state board imposes examinations. For instance the osteopaths and chiropractors practice along lines radically distinct from those of the regulars, homeopaths and eclectics. The state law therefore practically makes it compulsory for an applicant for a medical license to have been a graduate of a regular school, thus the law is unconstitutional. I lost my case purposely in the justice's court to take it to the higher courts in the hope of overthrowing the law and obtaining a decision that would allow of practitioners being examined for licenses in subjects for which their schools have prepared them. There is still cases pending in which I intend to challenge the constitutionality of the entire medical act. Michelson who is a graduate of the Law College of the University of Southern California was inspired to equip herself with the legal profession through her interest in juvenile offenders. She has remained their warm champion...(23).

She had hoped for more

...but when I stopped to consider the strength of the medical board, political and financial, and its unscrupulous representatives, and the many intrigues of which they are guilty and of the many failures of our ablest attorneys, I am satisfied with the result for it is the beginning of the end (24).

With this success, Philaletha was asked to participate in the PSC Lyceum in September 1908. Her contribution, "The Need For A Universal Standard," called for a strong central organization to set the standard for the profession so as to be able to challenge the hegemony of the Association of American Medical Colleges:

Since it was my privilege to conduct, and in a great measure, win the first chi-

ropractic case decided in any Supreme Court and have the science judicially defined and that is an isolated effort. I feel free to express an opinion of what might be if it were the result of the united effort of an organization.

One Federal case properly conducted will, for all time, settle the question in every state of the union. Stupendous in its simplicity. One bill, properly drawn, after careful study of the constitutions of the various states, could be introduced and passed in every state legislature of the union thereby placing each practitioner of Chiropractic in a position to face the world as a law-abiding, able citizen, rather than as now, a freakish violator of the law. I can't but suggest the fidelity to your science and the primary advisability of joining and upholding the U.C.A.

Your colleges should be more numerous. You have a method which can give relief, hence you, and not the M.D., should be numbered by the thousands,... with best wishes to the association and the Palmer method, I am, sincerely yours,

Philaetha S. Michelson (25).

The UCA deliberated about Michelson's call for standardization of licensure and pursued the development of what would become known as the "model bill" which called for a licensure board composed of chiropractic doctors only to prevent other professions from dictating to the profession as was the case in some states. The educational standards of this bill reflected the PSC's curriculum of the time which would serve to restrict the introduction of non-chiropractic subjects into the schools (26).

Dr. Greenall continued to practice in Long Beach and maintained membership in the UCA. He occasionally wrote to *The Chiropractor*, first to offer his appreciation for the support he had received

dents of the PSC. I owed so much to the cause therefore, while hard in many ways, I saw it my duty to take my stand which, while it has not given us all we would wish, has done a very great deal, and the future is brighter. You say you consider chiropractic "the greatest science and the only means of removing the cause of disease," but soon I trust, after opening the eyes of the blind, making the deaf hear, the lame to walk, and raising to life those over whom the regulars have pronounced their sentence of death, you will say with me you know that Chiropractic is the greatest science and the only means of removing the cause of disease. Let me wish each one of you success. Only let gain be not first - work for the cause and the good you can do. Your friend,

Dr. C.D. Greenall (27).

and also to voice his support for the publication of the UCA membership directory in *The Chiropractor* ([28], [29]). He had an associate, A.W. Alexson, D.C., for a brief time in 1909. Dr. Alexson subsequently moved to Stoughton, Wisconsin ([30], [31]).

Dr. Greenall and Philaetha felt strongly that a good educational background was the way to stop the profession from being overrun by those with mail-order diplomas and degree-awarding individuals. Articles of Incorporation of the California College of Chiropractic were filed with the California Secretary of State on 25 September 1909. The first Board of Directors included Thomas H. Storey, C.D. Greenall, P.S. Michelson, Lulu Storey and Mrs. Roy L. Purnal (both Thomas' daughters) (32). This school is not to be confused with A.W. Richardson's California Chiropractic College which was incorporated in 1913 (33). Thomas and his daughters held 970 of the 1000 shares available, Dr. Greenall held twenty and Philaetha had the remaining ten. The purposes of this school were

- (a) To give tuition and to graduate with the proper diplomas and degrees students completing the regular course in Chiropractic;
- (b) To establish and otherwise acquire, own and conduct colleges;
- (c) To maintain and conduct a clinic and hospital in connection therewith.

Long Beach, Cal. July 8, 1908

To the representatives of the PSC, Geo. B. Hamptom, Adele McLean, B.E., D.M., Joy M. Loban,

Dear friends:-- For their expression of fellowship and good will I thank the stu-

Nothing else has been found concerning this school; it does not appear in any Los Angeles City Directory nor in any other record this author has found to date. While the particulars of this college are not known, its impact on the profession and, by default, the impact of the Board of Directors of this college, are known. C.D. Greenall and Thomas H. Storey would provide the chiropractic education to Charles A. Cale, the founder of what was to become one of the largest chiropractic educational institutions in the world, the Los Angeles College of Chiropractic. Dr. Cale stated he graduated from "Dr. Storey's Chiropractic School" in 1909 (34). The extent of Cale's chiropractic education has been called into question by some (35). However, given the adamant support for the PSC curriculum displayed by Philaletha and Dr. Greenall, it is hard to imagine a course of study that was not at least equal to that of the PSC at the time. In August 1908 the standard course at the PSC was twelve months long, two years of six months each (36).

In 1909 the California Legislature was considering adding a clause to the MPA that would allow for the cer-

tification of naturopaths provided they belonged to the Association of Naturopathic Physicians of California. Philaletha appears to have submitted a brief to that body supporting this amendment even though she felt it was unfair to chiropractic doctors: "I do not advise any such course as we are anxious to secure for Chiropractors the same privileges that are accorded other schools" (37).

Unfortunately for us, the background of C.D. Greenall, D.C., remains vague, as does his life after 1914. The B.J. Palmer Papers do contain an article authored by Dr. Greenall which explained and defined luxations. He was no longer a member of the UCA by 1919 (38). His support of, and involvement in the development of, the chiropractic profession in and out of the state of California is unquestionable.

Acknowledgements

I would like to acknowledge Robert Jackson, D.C., for his assistance with information about the Chiropractic College of California and Glenda Wiese for her assistance with information about the PSC and the UCA.

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